

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF GEORGIA**

In re:
Arthenia Mae Bryant
Debtor) BANKRUPTCY
) CASE NO. 17-70127
) Chapter 13 Proceeding

**NOTICE OF DEBTOR'S MOTION FOR MODIFICATION OF PLAN BEFORE
CONFIRMATION**

THE ABOVE CAPTIONED DEBTOR/MOVANT, HAS FILED DOCUMENTS WITH THE COURT TO MODIFY THE PLAN.

YOUR RIGHTS MAY BE AFFECTED. You should read these documents carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one. If not served with this notice in accordance with the Bankruptcy Code or the Federal Rules of Bankruptcy Procedure, a copy of the Motion To Modify Plan Before Confirmation may be obtained upon written request to counsel for the Movant (identified below) or at the Clerk's office.

If you do not want the court to grant the motion to modify the plan or if you want the court to consider your views on the motion, then you or your attorney shall attend the hearing scheduled to be held on:

THERE IS A CONFIRMATION HEARING SET FOR SEPTEMBER 19, 2017 AT 12:00 PM IN THE U. S. COURTHOUSE AND, POST OFFICE FEDERAL BUILDING, NORTH PATTERSON STREET, VALDOSTA, GA 31601. A CONTINUANCE WILL BE REQUESTED AT THAT HEARING FOR THE CONFIRMATION TO BE CONTINUED TO OCTOBER 17, 2017 AT 12:00 PM.

If you or your attorney does not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting relief.

This notice is sent by the undersigned pursuant to section 1323 of the Bankruptcy Code.

This 7th day of September, 2017.


Frank H. Carter
Attorney for Debtor(s)

Carter, Carter & Carter, Attorneys at Law, LLC
P.O. Box 381
309 North Parrish Avenue
Adel, GA 31620
(229)896-4513
Georgia State Bar # 574042
jackwcarter1@windstream.net

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF GEORGIA**

In re: _____) BANKRUPTCY
Arthenia Mae Bryant) CASE NO. 17-70127
Debtor _____) Chapter 13 Proceeding

MOTION FOR MODIFICATION OF PLAN BEFORE CONFIRMATION

The debtor, under the authority of Section 1323 of the Bankruptcy Code, files this Motion for Modification of Plan before Confirmation and respectfully shows:

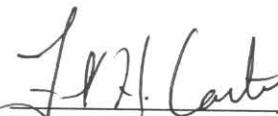
1.

Debtor withdraws the Chapter 13 Plan heretofore filed and substitutes in lieu thereof a new plan. A copy of the proposed plan is attached hereto, and debtors propose to modify plan as shown, to make the following changes: increased dividend and made corrections to resolve the Trustee's objection; moved treatment for Citifinancial for the Pine street property inside the plan. In addition, changes were made to correct amounts owed to other creditors as per Proofs of Claims filed.

2.

After notice and opportunity for objections, the plan as modified should become the debtor's plan.

WHEREFORE, the debtor prays that this Motion for Modification of Plan before Confirmation be Approved.


Frank H. Carter, Attorney for Debtor(s)
Georgia Bar No. 574042

Carter, Carter & Carter, Attorneys at Law, LLC
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PO Box 381
Adel, GA 31620
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UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF GEORGIA

DEBTOR: Arthenia Mae Bryant

*
*

CHAPTER 13
CASE NO: 17-70127

MODIFIED CHAPTER 13 PLAN

1. The future earnings of the debtor(s) are submitted to the supervision and control of the trustee and the debtor(s) (or the debtor's(s') employer) shall pay to the trustee the sum of \$1,775.00 monthly. (If the payments change over time include the following.) These plan payments change to \$ n/a monthly on n/a, 20 .

2. From the payments so received, the trustee shall make disbursements as follows:

- (a) The trustee percentage fee as set by the United States Trustee.
- (b) The monthly payments will be made on the following long-term debts: (Payments which become due after the filing of the petition but before the month of the first payment designated here will be added to the pre-petition arrearage claim.)

NAME OF CREDITOR	MONTH & YEAR OF FIRST PAYMENT UNDER THE PLAN	MONTHLY PAYMENT AMOUNT

(c) Preconfirmation adequate protection payments will be made to the following secured creditors and holders of executory contracts after the filing of a proof of claim by the creditor. These payments will be applied to reduce the principal of the claim.

NAME OF CREDITOR	ADEQUATE PROTECTION AMOUNT
CitiFinancial	\$60.00
Santander	\$318.08
NCEP	\$43.87

(d) The following claims are not subject to cram down because debts are secured by a purchase money security interest in a vehicle for which the debt was incurred within 910 days of filing the bankruptcy petition, or, if the collateral for the debt is any other thing of value, the debt was incurred within 1 year of filing. See § 1325(a)

NAME OF CREDITOR	AMOUNT DUE	INTEREST RATE	COLLATERAL	MONTHLY PAYMENT
Santander	\$32,514.14	6%	2017 Toyota Camry Debtor Daughter drives this automobile and makes the payment and insurance to the debtor.	\$628.59
CitiFinancial	\$7,355.06	6%	Rental Home at 2728 S US Hwy 41 Tifton GA 31794	\$142.19
CitiFinancial	\$34,454.79	5.0004%	Rental Home at 106 Pine St,	\$650.21

		Tifton, GA	
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(e) After confirmation of the plan, the secured creditors with allowed claims will be paid as follows:

NAME OF CREDITOR	AMOUNT DUE	VALUE	INTEREST RATE	COLLATERAL	MONTHLY PAYMENT AMOUNT
World Finance	\$3,612.24	\$0.00	0%	Household Goods	\$0.00
NCEP	\$12,097.49	\$5,775.00	6%	2011 Chevrolet HHR Debtor drives this Automobile	\$111.65

(f) *Attorney fees ordered pursuant to 11 U.S.C. §507(a)(2) of \$3,000.00 to be paid as follows:

NAME OF CREDITOR	AMOUNT DUE	DESCRIPTION OF COLLATERAL	MONTHLY PAYMENT AMOUNT
Pursuant to the Current Administrative Order on Attorney Fee Awards		Pay according to the administrative order	

(g) After the above are paid, distributions will be made to cure arrearages and other secured debts whose claims are duly proven and allowed as follows:

NAME OF CREDITOR	AMOUNT DUE	ESTIMATED VALUE	INTEREST RATE	COLLATERAL

(h) The following collateral is surrendered to the creditor:

NAME OF CREDITOR	DESCRIPTION OF COLLATERAL
Quality Paint and Body	2004 Chevrolet Tahoe

(i) The following domestic support obligations will be paid over the life of the plan as follows: (These payments will be made simultaneously with payment of the secured debt to the extent funds are available and will include interest at the rate of ____%. (If this is left blank, no interest will be paid.)

NAME OF CREDITOR	AMOUNT DUE	PAYMENT AMOUNT

(j) The following unsecured claims are classified to be paid at 100%. These payments will/will not be made simultaneously with payment of the secured debt:

NAME OF CREDITOR	AMOUNT DUE	PAYMENT AMOUNT

(k) All other 11 U.S.C. § 507 priority claims, unless already listed under 2(i), will be paid in full over the life of the plan as funds become available in the order specified by law.

NAME OF CREDITOR	AMOUNT DUE	PAYMENT AMOUNT

(l) The debtor(s) will be the disbursing agent on the following debts:

NAME OF CREDITOR	PAYMENT AMOUNT
US Dept of Education (Federal Loan /Student Loans)	Deferred *(This makes up \$15,059.00 of the unsecured debt,

(m) Special provisions:

- (i) Upon discharge, all non-purchase money, non-possessory and/or judicial/statutory liens in favor of the following creditors will be avoided pursuant to 11 U.S.C. §522(f): World Finance, DOCO, Quality Paint & Body
- (ii) All secured creditors holding documents evidencing a lien upon the property of the debtor shall cause said lien to be canceled and return said documents, including titles to motor vehicles and including titles to all property, to the debtor with said lien canceled upon payment of the secured portion of the debt pursuant to this plan: CitiFinancial, Santander
- (iii) Within Thirty (30) days of completion of payments and discharge of the secured claim(s) in item 2(d) & 2(e) above, said creditor whose claim is secured by a vehicle shall deliver the title to the vehicle to the debtor(s) with its lien released: CitiFinancial, Santander

(n) Debtor(s) will make payments that will meet all of the following parameters (these are not Cumulative, debtors will pay the highest of the three)

- (i) Debtor will pay all of his disposable income as shown on Form B22C of \$0.00 to the non priority unsecured creditors in order to be eligible for a discharge.
- (ii) If the debtor filed a Chapter 7 case, the priority and other unsecured creditors would receive *\$2,514.14. Debtor will pay this amount to the priority and other unsecured creditors in order to be eligible for discharge in this case.
- (iii) The debtor will pay \$0.00 to the general unsecured creditors to be distributed prorata.

(o) General unsecured creditors whose claims are duly proven and allowed will be paid (choose one only)

0% dividend as long as this dividend exceeds the highest amount, if any, shown in paragraph (n)(i), (n)(ii), or (n)(iii), and the debtor pays in at least 36 monthly payments to be eligible for discharge.

the debtor(s) will make payments for approximately 60 months and anticipates a dividend of 0 %, but will also exceed the highest amount shown in paragraph (n)(i), (n)(ii), or (n)(iii) above.

(p) Unless otherwise ordered by the court, all property of the estate, whether in the possession of the trustee or the debtor, remains property of the estate subject to the court's jurisdiction, notwithstanding § 1327(b), except as otherwise provided in paragraph (m) above. Property of the estate not paid to the trustee shall remain in the possession of the debtor. All property in the possession and control of the debtor shall be insured by the debtor. The chapter 13 Trustee will not and is not required to insure assets and has no liability for injury to any person, damage or loss to any property in possession and control of the debtor or other property affected by property in possession and control of the debtor.

(q) Notwithstanding the proposed treatment or classification of any claim in the plan confirmed in this case, all lien avoidance actions or litigation involving the validity of liens, or preference action will be reserved and can be pursued after confirmation of the plan. Successful lien avoidance or preference actions will be grounds for modification of the plan.

Date: September 6, 2017

/s/Arthenia Mae Bryant
Arthenia Mae Bryant

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF GEORGIA**

In re:) BANKRUPTCY
Arthenia Mae Bryant) CASE NO. 17-70127
Debtor) Chapter 13 Proceeding

CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify that I have this date served a true and correct copy of the within and foregoing copy of the Notice and Motion To Modify Plan Before Confirmation and Modified Chapter 13 Plan upon the following parties via U.S. Mail and/or the court's electronic filing system:

Kristin Hurst
Office of the Chapter 13 Trustee
P.O. Box 1907
Columbus, Ga 31902
Via cm/ecf court's electronic filing system

Arthenia Mae Bryant
5 Jacob Hall Rd
Tifton, GA 31793

All of the creditors on the court's creditor matrix.

This 7th day of September, 2017

Carter, Carter & Carter, Attorneys at Law, LLC
PO Box 381
Adel, GA 31620
(229) 896-4513


Frank H. Carter
Attorney for Debtor(s)

Frank H. Carter
Attorney for Debtor(s)

Label Matrix for local noticing

113G-7

Case 17-70127

Middle District of Georgia

Valdosta

Thu Sep 7 08:17:35 EDT 2017

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901 Front Avenue
P.O. Box 2147
Columbus, GA 31902-2147

Citifinancial Servicing LLC

1000 Technology Dr.

Mail Stop 140

O'Fallon, MO 63368-2239

NCEP, LLC

c/o Ascension Capital Group

PO Box 165028

Irving, TX 75016-5028

Cba Tifton

321 Main St

Tifton, GA 31794-4897

CitiFinancial

605 Munn Rd C/s Care Dept
Fort Mill, SC 29715-8421

CitiFinancial Servicing LLC

P.O. Box 6043

Sioux Falls, SD 57117-6043

(p)CITIFINANCIAL

BANKRUPTCY FORECLOSURE UNIT

1000 TECHNOLOGY DRIVE

OFALLON MO 63368-2239

Fed Loan Serv

Pob 60610
Harrisburg, PA 17106-0610

(p)GEORGIA DEPARTMENT OF REVENUE
COMPLIANCE DIVISION
ARCS BANKRUPTCY
1800 CENTURY BLVD NE SUITE 9100
ATLANTA GA 30345-3202

Internal Revenue Service

Centralized Insolvency Operations
PO Box 7346

Philadelphia, PA 19101-7346

LVNV Funding, LLC its successors and assigns
assignee of FNBm, LLC
Resurgent Capital Services
PO Box 10587
Greenville, SC 29603-0587

Medical Data Systems I
2120 15th Ave
Vero Beach, FL 32960-3436

NCEP
PO Box 4138
Houston, TX 77210-4138

NCEP, LLC by AIS Data Services, LP as agent
P.O. Box 4138
Houston, TX 77210-4138

(p)PORTFOLIO RECOVERY ASSOCIATES LLC
PO BOX 41067
NORFOLK VA 23541-1067

Quality Paint and Body Shop
505 Park Ave S.
Tifton, GA 31794-4731

SANTANDER CONSUMER USA
P.O. Box 560284
Dallas, TX 75356-0284

Santander Consumer Usa
Po Box 961245
Fort Worth, TX 76161-0244

U.S. Department of Education
c/o FedLoan Servicing
P.O. Box 69184
Harrisburg, PA 17106-9184

U.S. Trustee - MAC
440 Martin Luther King Jr. Boulevard
Suite 302
Macon, GA 31201-7987

World Finance
375 Main St
Tifton, GA 31794-4813

Arthenia Mae Bryant
PO Box 274
Tifton, GA 31793-0274

Frank Holt Carter
Carter, Carter & Carter, LLC
309 N. Parrish Avenue
P. O. Box 381
Adel, GA 31620-0381

Jack Wilkes Carter
Carter, Carter & Carter, LLC
P.O. Box 381
309 N. Parrish Avenue
Adel, GA 31620-2354

Kristin Hurst
Office of the Chapter 13 Trustee
P.O. Box 1907
Columbus, GA 31902-1907

Capital One Bank USA N
15000 Capital One Dr
Richmond, VA 23238

Citifinancial
300 Saint Paul Pl
Baltimore, MD 21202

Georgia Department of Revenue
1800 Century Blvd, NE, Ste 17200
Atlanta, GA 30345

Portfolio Recovery Associates, LLC
c/o Capital One Bank, N.A.
POB 41067
Norfolk VA 23541

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(d) CitiFinancial Servicing, LLC 1000 Technology Dr. Mail Stop 140 O'Fallon, MO 63368-2239	(d) NCEP, LLC c/o Ascension Capital Group P.O. Box 165028 Irving, TX 75016-5028	End of Label Matrix Mailable recipients 26 Bypassed recipients 2 Total 28
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